



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly 180	Assembly Substitute Amendment 1
<i>Memo published: May 1, 2003</i>	<i>Contact: Don Salm, Senior Staff Attorney (266-8540)</i>

Under *current law*:

1. The operator of a vehicle which approaches from the front or rear any school bus which has stopped on a street or highway and is displaying flashing red warning lights, must stop the vehicle not less than 20 feet from the bus and must remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. This provision does not apply to operators of vehicles proceeding in the opposite direction on a divided highway. [s. 346.48 (1), Stats.]

2. The operator of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2), Stats., must: (a) actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers; and (b) not extinguish such lights until loading or unloading is completed and persons who must cross the highway are safely across. Where the curb and sidewalk are laid on one side of the road only, the operator must use the flashing red warning lights when loading or unloading passengers from either side of the bus.

3. School bus operators ***shall not*** use the flashing red warning lights in:

a. Special school bus loading areas where the bus is entirely off the traveled portion of the highway.

b. Residence or business districts when pupils or other authorized passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road, **unless required otherwise by municipal ordinance enacted under s. 349.21 (1), Stats.** That statutory provision specifies that the governing body of any town, city, village or county may by ordinance provide for the use of flashing red warning lights by school bus operators in a residence or business district when: (1) pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals; and (2) such persons must cross the street or highway before being loaded or after being unloaded.

Under *Substitute Amendment 1*:

1. Unless required otherwise by municipal ordinance enacted under s. 349.21 (1), Stats., a school bus operator ***may not*** actuate the flashing red warning lights when loading or unloading in a residence or business district, regardless of whether a curb and sidewalk are on one or both sides of the road, if ***all of the following conditions*** are met:

- a. There is a sidewalk and curb on the side of the road where pupils or other authorized passengers are loaded or unloaded.
- b. The loading or unloading occurs immediately adjacent to the sidewalk and curb.
- c. There is sufficient clearance on the roadway for other vehicles to pass at a safe distance to the left of the school bus.
- d. No person must cross the highway before being loaded or after being unloaded.

(***Note:*** As noted above, under s. 349.21 (1), Stats., a school bus operator would still be permitted to activate the warning lights if there is no traffic signal where the loading or unloading occurs, the person being loaded or unloaded must cross the highway, and a local ordinance authorizes the use of warning lights under these circumstances.)

2. A school bus operator who stops to load or unload a pupil or other authorized passenger under s. 346.48, as revised in the substitute amendment, and who does not use the flashing red warning lights as provided in item 1., above, is required to actuate the vehicular hazard lights specified in s. 347.26 (11) (a), Stats., before stopping and must not extinguish such lights until loading or unloading is completed. (***Note:*** Under current law, other motorists need not stop for a school bus displaying vehicular hazard lights.)

The substitute amendment specifies that if it is enacted into law:

1. It first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.
2. It takes effect on the first day of the ***3rd month*** beginning after publication.

Legislative History

On April 30, 2003, the Assembly Committee on Highway Safety voted to recommend adoption of Assembly Substitute Amendment 1, offered by Representative Musser, by a vote of Ayes, 8; Noes, 0; and recommended passage of Assembly Bill 180, as amended, by a vote of Ayes, 8; Noes, 0.

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